

**BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation  
Against:**

**Gene C. Lawrence, M.D.  
Certificate # C-29177**

**File No: 07--92-18149**

**Respondent.**

**DECISION**

**The attached Proposed Decision is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in the above-entitled matter.**

**This Decision shall become effective on January 9, 1998.**

**It is so ordered December 10, 1997.**

**DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA**



**Ira Lubell, M.D.  
Chair  
Panel A**

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

Petition for Termination of Probation	)	OAH No. L-1997090232
of:	)	
	)	
GENE C. LAWRENCE, M.D.	)	
355 Placentia, Suite 202	)	
Newport Beach, CA 92663	)	
	)	
Physician's and Surgeon's	)	
Certificate No. C-29177,	)	
	)	
Respondent.	)	
	)	

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**PROPOSED DECISION**

On October 8, 1997, in San Diego, California, Stephen E. Hjelt, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Michael Sipe, Deputy Attorney General, represented the complainant.

Respondent, Gene C. Lawrence, M.D. was present and was represented by Timothy J. Stafford, Attorney at Law.

Evidence was received, the record was closed and the matter was submitted.

**FINDINGS OF FACT**

**I**

On April 9, 1997 respondent filed a Petition for Termination of Probation. He seeks termination of probation that began on April 4, 1995. Thus, approximately two years and eight months of the 3 year probationary period have elapsed.

**II**

Respondent's license was disciplined as a result of his Stipulated Settlement and Disciplinary Order, which resolved an Accusation filed against him in 1992. Respondent agreed that he had been grossly negligent due to his belated ordering of a mammogram and advice to have a surgical consult in a female

patient with dimpling of the breast and strong family history of breast cancer.

Respondent's license was revoked, stayed and he was placed on probation for three years under certain terms and conditions. Besides the standard terms and conditions he was required to take and pass a clinical examination in the area obstetrics/gynecology, emphasizing the use of mammography, surgical biopsy, and diagnosis and treatment of breast cancer. He was also required to take CME in addition to that which is required yearly of all physicians. He was also required to pay the costs of investigation and prosecution.

### III

The sole question for consideration is whether respondent has demonstrated through his actions sufficient evidence of rehabilitation to justify early termination of probation. The passage of time alone does not establish rehabilitation nor does an accumulation of laudatory letters from social or professional friends or acquaintances.

The only things that establish rehabilitation are conduct and attitude. Rehabilitation is simultaneously a state of mind and a state of facts. The state of mind evidencing rehabilitation is demonstrated by a mature, measured appreciation of the gravity of the conduct done. A respondent must convince the Board that he understands why he was disciplined in the first place and acknowledge that what he did was wrong, caused harm and was inconsistent with licensure. A respondent must be remorseful.

It is impossible, ultimately, to clearly view a persons heart, to tell if the words said are said with true meaning. However, we do not lack for tools to separate the sociopath from the sincere. We have the opportunity to correlate what is said with a course of conduct over an extended period of time. Talk truly is cheap when it comes to assessing rehabilitation.

Remorse is a necessary prerequisite to establishing rehabilitation. In addition one must also establish a state of facts. This rehabilitative state of facts is demonstrated by a track record of conduct that convinces and assures the Board that the public would be safe in granting full privileges of licensure to respondent. A respondent must establish a track record of reliable, responsible and consistently appropriate conduct.

Dr. Lawrence has established, as detailed below, a track record of appropriate conduct. Dr. Lawrence also expresses remorse and a mature appreciation of the need for probationary oversight.

#### IV

Gene C. Lawrence, M.D. has had a private medical practice since 1968. He has not either before or since this incident been the subject of Board discipline. This is the only blemish on an otherwise distinguished career in the 29 years he has practiced.

The incident that forms the basis of Board discipline happened over nine years ago. There have been no other complaints either before or since.

It is clear from the record that this is the type of physician that has benefitted greatly from the embarrassment and dislocation of probation. He candidly admits that this probation has been painful and educational. There is no self pity in his answers or narrative statement to the Board.

#### V

Respondent has complied with all terms and conditions of his probation for nearly three years now. During this time he also passed the difficult recertification examination for Board Certification by the American College of OB/GYN, which was not required by the Board. Dennis Martinez has been the probation monitor for respondent. There was nothing offered by the Board that was in any way negative regarding respondent. In fact, the Deputy Attorney General indicated that, after discussion with enforcement personnel, there would be no opposition to the request for early termination.

#### DETERMINATION OF ISSUES

##### I

Cause was established to grant respondent's Petition for Termination of Probation pursuant to Business and Professions Code section 2307. There is no further public protection issue that requires respondent to remain on probation. This act which he acknowledges brought embarrassment on himself, his family, his colleagues and his profession will not be repeated. Furthermore, the salutary goal of probation, to insure future safe and ethical practice, has been met.

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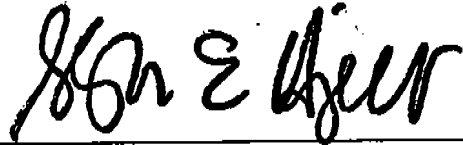
ORDER

I

The Petition for Termination of Probation is granted.

Respondent Gene C. Lawrence's Physician's and  
Surgeon's Certificate is hereby fully restored.

Dated: November 7, 1997

A handwritten signature in black ink, appearing to read "Stephen D. Hjelt", written over a horizontal line.

STEPHEN D. HJELT  
Administrative Law Judge  
Office of Administrative Hearings